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Attorney Docket No. T4088.Cont

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 Registered Patent Attorneys  
 05/23/00  
 Intellectual Property Law  
 Patents • Trademarks  
 Copyrights • Computer Law  
 Trade Secrets • Unfair Competition  
 Licensing • Enforcement • Litigation

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May 23, 2000

Box Patent Application  
 1c638576623  
 05/23/00  
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Box Patent Application  
 Commissioner of Patents and Trademarks  
 Washington, D.C. 20231

Sir:

Transmitted herewith for filing under 37 C.F.R. § 1.53(b) is a patent application comprising:

- A continuing application as indicated below:
  - Continuation of prior application no. 09/018,875
  - Divisional of prior application no. \_\_\_\_\_
  - Continuation-in-part of prior application no. \_\_\_\_\_
- Seventy-Four (74) pages of specification, claims and abstract from the prior application.
- Four (4) sheets of  formal/ informal drawings.
- Declaration, Power of Attorney and Petition.
  - Newly Executed
  - Copy from prior application (when a continuation or divisional) (37 C.F.R. § 1.63(d))
  - Associate or Substitute Power of Attorney
- Microfiche Computer Program (Appendix)
- Nucleotide and/or Amino Acid Sequence Submission
  - Computer Readable Copy
  - Paper Copy (identical to computer readable copy)
  - Statement verifying identity of above referenced copies

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Certificate of Deposit Under 37 C.F.R. § 1.10  
 Express Mail Label No. EK435394202US

I hereby certify that this correspondence, and all enclosures indicated, are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service in an envelope addressed to: Box Patent Application, Assistant Commissioner for Patents, Washington D.C. 20231 on the 23<sup>rd</sup> day of May, 2000.

Alan J. Howarth  
 Attorney Registration No. 36,553  
 Attorney for Applicant

Assistant Commissioner for Patents  
May 23, 2000  
Page 2

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Also enclosed are:

- An Assignment from John G. Carman to Utah State University (including assignment cover sheet)
- An Information Disclosure Statement under 37 C.F.R. §1.97 accompanied by a Form PTO-1449.
- A Preliminary Amendment, and the fee calculation set forth below is based upon the claims as constituted by said amendment.
- A return receipt postcard under MPEP § 503, indicating specially itemized enclosures.
- A Declaration Claiming Small Entity Status for a nonprofit organization, under 37 C.F.R. §§ 1.9 and 1.27 (copy).
- A paper entitled "Establishment of Small Entity Status" under 37 C.F.R. § 1.28(a), along with a copy of the declaration claiming small entity status under 37 C.F.R. §§ 1.9 and 1.27 filed in the prior application.
- Certified copy of priority document(s) (if foreign priority is claimed).
- A copy of the extension of time simultaneously filed in the prior application.

Instructions and Averments:

- Incorporation by Reference (if a copy of the declaration from prior application is included). The entire disclosure of the prior application, from which a copy of the declaration is supplied herewith as referenced above, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
- A Declaration Claiming Small Entity Status was filed in the prior application and such status is still proper and desired.
- Cancel in this application original claims \_\_\_\_\_ of the prior application before calculating the filing fee.

Assistant Commissioner for Patents  
May 23, 2000  
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Pursuant to 37 C.F.R. § 1.78(a)(2), please amend the specification as follows:

Please delete page 1 lines 2-3 and substitute: This application is a continuation of Application No. 09/018,875, filed February 5, 1998, which claimed the benefit of Application No. 60/037,211, filed February 5, 1997--.

FEES

No Fees are enclosed.

Check No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_.00 which represents the filing fee for this application.

The fees have been calculated as set forth below.

PATENT APPLICATION FEE CALCULATION TABLE							
			SMALL ENTITY		LARGE ENTITY		
	NO. FILED	NO. EXTRA	RATE	Fee	OR	RATE	Fee
BASIC FEE				\$ 345	OR		\$ 690
TOTAL CLAIMS	- 20 =		X 9 =	\$	OR	X 18 =	\$
IND. CLAIMS	- 03 =		X 39 =	\$	OR	X 78 =	\$
Presentation of Multiple Dependent Claims			+ 130 =	\$ -	OR	+ 260 =	\$
ASSIGNMENT FILING FEE ( )			+ 40 =	\$ -	OR	+ 40 =	\$
			<b>TOTAL:</b>	\$	OR	<b>TOTAL:</b>	\$

The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-0836.

- An original and one copy of this letter are enclosed.
- Any additional filing fees required under 37 C.F.R. § 1.16.
- Any patent application processing fees under 37 C.F.R. § 1.17.

The Commissioner is hereby authorized to charge payment of the following fees during the pendency of this application or credit any overpayment to Deposit Account No. 50-0836.

- Any patent application processing fees under 37 C.F.R. § 1.17.

Assistant Commissioner for Patents  
May 23, 2000  
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- The issue fee set forth in 37 C.F.R. § 1.18 at or before mailing of the Notice of Allowance, pursuant to 37 C.F.R. § 1.311(b).
  - Any filing fees under 37 C.F.R. § 1.16 for presentation of extra claims.

CORRESPONDENCE ADDRESS

Please address all future correspondence to:

Customer No. 20,450

Please direct all future telecommunications to:

Alan J. Howarth  
Clayton, Howarth & Cannon, P.C.  
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Please refer to the following attorney number in all future correspondence and telecommunications:

Attorney File No. T4088.Cont

Dated this 13<sup>rd</sup> day of May, 2000.

Respectfully submitted,



Alan J. Howarth  
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Attorney for Applicant

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AJH/rs

Enclosures

S:\CHC Files\T 4-V\T4088\Cont\PTO05222000.ltr.wpd

Attorney Docket No. T4088.Cont

CERTIFICATE OF EXPRESS MAILING

"Express Mail" Mailing Label No.: EK435394202US

Date of Deposit: May 23, 2000



I hereby certify that the enclosed continuation patent application in the name of John G. CARMAN for METHODS FOR PRODUCING APOMICTIC PLANTS together with transmittal letter, Petition Under 37 C.F.R. §1.136(a), check no. 2509 in the amount of \$435.00, copy of Declaration and Power of Attorney, copy of Small Entity Declaration, and self-addressed stamped postcard are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. Section 1.10 on the date indicated above in an envelope addressed to Box Patent Applications, Assistant Commissioner for Patents, Washington, D.C. 20231.

Respectfully submitted this 23rd day of May, 2000.

Alan J. Howarth  
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